

Remarks/Arguments

Claims 21-40 are pending in this application, and are rejected in the final Office Action of October 7, 2010. Claims 21-22, 25, 27-29, 32, 34-36, 38 and 40 are amended herein to more particularly point out and distinctly claim the subject matter regarded as the invention.

Re: Patentability of Claims 21, 23-25, 28, 30-32, 35 and 37-38

Claims 21, 23-25, 28, 30-32, 35 and 37-38 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0194599 by Mountain (hereinafter, "Mountain") in view of U.S. Patent No. 6,536,041 issued to Knudson et al. (hereinafter, "Knudson"). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants first note that independent claim 21, as amended herein, recites:

"A method for operating a television apparatus, the method comprising steps of:
tuning a channel;
receiving an updated program guide from a broadcaster while said channel is tuned, wherein said updated program guide is provided from said broadcaster without being requested by said television apparatus;
in response to receiving said updated program guide, determining if a banner advertising a future program on said channel is currently displayed while said channel is tuned;
in response to determining that said banner is currently displayed while said channel is tuned, performing a first function while said channel is tuned; and
in response to determining that said banner is not currently displayed while said channel is tuned, performing a second function different from said first function while said channel is tuned." (emphasis added)

As indicated above, amended independent claim 21 recites a method for operating a television apparatus. According to the claimed method, a channel is first tuned. While the channel is tuned, the television apparatus receives an updated program guide from a broadcaster, wherein the updated program guide is provided (i.e., "pushed") from the broadcaster without being requested by the television apparatus. In

response to receiving the updated program guide, the television apparatus determines if a banner advertising a future program on the channel is currently displayed while the channel is tuned. In response to determining that the banner is currently displayed while the channel is tuned, the television apparatus performs a first function while the channel is tuned. In response to determining that the banner is not currently displayed while the channel is tuned, the television apparatus performs a second function different from the first function while the channel is tuned. Independent claims 28 and 35 are also amended herein, and recite subject matter similar to independent claim 21. Support for the amendments to these independent claims may be found in Applicants' specification in the description of steps 602, 610, 612, 614 and 616 of FIG. 7.

Neither Mountain nor Knudson, whether taken individually or in combination, discloses or suggests each and every feature of independent claims 21, 28 and 35. In fact, on pages 13-16 of the final Office Action dated October 7, 2010 (with reference to previously presented claims 27, 34 and 40), the Examiner admits that neither Mountain nor Knudson discloses "determining if said banner is currently displayed in response to receiving said second program guide data". Accordingly, based on this admission, Applicant submits that neither Mountain nor Knudson discloses, *inter alia*, a feature of: "in response to receiving said updated program guide, determining if a banner advertising a future program on said channel is currently displayed while said channel is tuned", as now recited by independent claim 21 (and similarly recited by independent claims 28 and 35).

Therefore, for at least the foregoing reasons, Applicants submit that claims 21, 23-25, 28, 30-32, 35 and 37-38 are patentable over the proposed combination of Mountain and Knudson, and withdrawal of the rejection is respectfully requested.

Re: Patentability of Claims 22, 29 and 36

Claims 22, 29 and 36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mountain in view Knudson, and further in view of U.S. Patent Publication No. 2004/0078817 by Horowitz et al. (hereinafter, "Horowitz"). Applicants respectfully traverse this rejection for at least the following reasons.

Horowitz is unable to remedy the admitted deficiencies of Mountain and Knudson pointed out above in connection with independent claims 21, 28 and 35 (from which claims 22, 29 and 36 respectively depend). In particular, on pages 13-16 of the final Office Action dated October 7, 2010 (with reference to previously presented claims 27, 34 and 40), the Examiner also admits that Horowitz fails to disclose "determining if said banner is currently displayed in response to receiving said second program guide data". Accordingly, based on this admission, Applicant submits that Horowitz fails to disclose, *inter alia*, the feature of: "in response to receiving said updated program guide, determining if a banner advertising a future program on said channel is currently displayed while said channel is tuned", as now recited by independent claim 21 (and similarly recited by independent claims 28 and 35), and is thereby unable to remedy the admitted deficiencies of Mountain and Knudson.

Therefore, for at least the foregoing reasons, Applicants submit that claims 22, 29 and 36 are patentable over the proposed combination of Mountain, Knudson and Horowitz, and withdrawal of the rejection is respectfully requested.

Re: Patentability of Claims 26, 33 and 39

Claims 26, 33 and 39 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mountain in view of Knudson and Horowitz, and further in view of U.S. Patent No. 6,396,531 issued to Gerszberg (hereinafter, "Gerszberg"). Applicants respectfully traverse this rejection for at least the following reasons.

Gerszberg is unable to remedy the admitted deficiencies of Mountain, Knudson and Horowitz pointed out above in connection with independent claims 21, 28 and 35, and dependent claims 22, 29 and 36 (from which claims 26, 33 and 39 respectively depend). In particular, on pages 13-16 of the final Office Action dated October 7, 2010 (with reference to previously presented claims 27, 34 and 40), the Examiner further admits that Gerszberg fails to disclose "determining if said banner is currently displayed in response to receiving said second program guide data". Accordingly, based on this admission, Applicant submits that Gerszberg fails to disclose, *inter alia*, the feature of: "in response to receiving said updated program guide, determining if a banner

advertising a future program on said channel is currently displayed while said channel is tuned", as now recited by independent claim 21 (and similarly recited by independent claims 28 and 35), and is thereby unable to remedy the admitted deficiencies of Mountain, Knudson and Horowitz.

Therefore, for at least the foregoing reasons, Applicants submit that claims 26, 33 and 39 are patentable over the proposed combination of Mountain, Knudson, Horowitz and Gerszberg, and withdrawal of the rejection is respectfully requested.

Re: Patentability of Claims 27, 34 and 40

Claims 27, 34 and 40 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mountain in view of Knudson, Horowitz and Gerszberg, and further in view of U.S. Patent No. 6,763,522 issued to Kondo et al. (hereinafter, "Kondo"). Applicants respectfully traverse this rejection for at least the following reasons.

Kondo is unable to remedy the admitted deficiencies of Mountain, Knudson, Horowitz and Gerszberg pointed out above in connection with independent claims 21, 28 and 35, and dependent claims 33 and 39 (from which claims 34 and 40 respectively depend – claim 27 depends from independent claim 21). On pages 13-16 of the final Office Action dated October 7, 2010 (with reference to previously presented claims 27, 34 and 40), the Examiner ostensibly alleges that Kondo remedies the aforementioned admitted deficiencies of Mountain, Knudson, Horowitz and Gerszberg, and discloses "determining if said banner is currently displayed in response to receiving said second program guide data". Specifically, the Examiner alleges:

"However, Kondo discloses (col. 11, lines 7-9, 52-54) that the system checks to determine if the updated program information for the currently tuned channel is present in transport stream and displays future programming information on the display." (emphasis added)

As indicated above, the Examiner ostensibly alleges that the previously presented claim feature of "determining if said banner is currently displayed in response

to receiving said second program guide data" from claims 27, 34 and 40 is disclosed on column 11, lines 7-9 and 52-54 of Kondo. Applicants respectfully disagree.

Applicants note that the aforementioned cited passages of Kondo state:

"The stored VCT is then replaced, or updated, at step 113 with currently broadcasting VCT. The system then checks the MGT to determine if additional VCTs are present in the transport stream." (see column 11, lines 7-10), and

"When all VCTs, EITs and ETTs for the major channel have been updated in memory, the EPG is displayed reflecting the updated program and system information at 129." (see column 11, lines 51-54)

As indicated above, the cited passages of Kondo nowhere disclose or suggest, *inter alia*, the feature of: "in response to receiving said updated program guide, determining if a banner advertising a future program on said channel is currently displayed while said channel is tuned", as now recited by independent claim 21 (and similarly recited by independent claims 28 and 35). Accordingly, Kondo is unable to remedy the admitted deficiencies of Mountain, Knudson, Horowitz and Gerszberg.

Moreover, Applicants note that while Kondo does disclose the general concept of refreshing a video and graphics panel, there is no disclosure of suggestion of, *inter alia*, the aforementioned feature of: "in response to receiving said updated program guide, determining if a banner advertising a future program on said channel is currently displayed while said channel is tuned", as now recited by independent claim 21 (and similarly recited by independent claims 28 and 35). As such, Kondo (as well as the other cited references) also clearly fails to disclose or suggest, *inter alia*, the additional features of: "in response to determining that said banner is currently displayed while said channel is tuned, performing a first function while said channel is tuned" and "in response to determining that said banner is not currently displayed while said channel is tuned, performing a second function different from said first function while said channel is tuned", as now recited by independent claim 21 (and similarly recited by independent claims 28 and 35).

Therefore, for at least the foregoing reasons, Applicants submit that claims 27, 34 and 40 are patentable over the proposed combination of Mountain, Knudson, Horowitz, Gerszberg and Kondo, and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing remarks/arguments and accompanying amendments, the Applicants believe this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled. Please charge the fee for the RCE to Deposit Account 07-0832.

Respectfully submitted,

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